



BRUSSELS CINCINNATI CLEVELAND COLUMBUS DAYTON NEW YORK WASHINGTON, D.C.

September 9, 2004

Via Hand Delivery

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St., N.W.
Washington, D.C. 20423

211967

ENTERED
Office of Proceedings

SEP - 9 2004

Part of
Public Record



RE: STB Finance Docket No. 34551 *Standard Terminal Railroad of New Jersey, Inc.—
Acquisition Exemption—A Line of Railroad Owned by Joseph C. Horner*

Dear Secretary Williams:

Enclosed please find the original and ten (10) copies of the Verified Notice of Exemption of Standard Terminal Railroad of New Jersey, Inc. for filing in the above referenced docket. A check in the amount of \$1,400.00, made payable to the Surface Transportation Board, is also enclosed to cover the related filing fee. As a courtesy, electronic copies of this filing in Microsoft Word and Adobe Acrobat are contained on the enclosed diskette.

One additional copy of this filing is enclosed for stamping and return to our offices.

Should you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Sincerely,

Jeffrey O. Moreno
Michael H. Higgins

Counsel for Standard Terminal Railroad of New Jersey, Inc.

FEE RECEIVED

SEP - 9 2004

**SURFACE
TRANSPORTATION BOARD**

FILED

SEP - 9 2004

**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34551

**STANDARD TERMINAL RAILROAD OF NEW JERSEY, INC.
—ACQUISITION EXEMPTION—
A LINE OF RAILROAD OWNED BY JOSEPH C. HORNER**

**VERIFIED NOTICE OF EXEMPTION
OF STANDARD TERMINAL RAILROAD OF NEW JERSEY, INC.
PURSUANT TO 49 C.F.R. § 1150.31**

Jeffrey O. Moreno
Michael H. Higgins
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, D.C. 20036-1600
(202) 331-8800

*Attorneys for Standard Terminal Railroad of
New Jersey, Inc.*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34551

**STANDARD TERMINAL RAILROAD OF NEW JERSEY, INC.
—ACQUISITION EXEMPTION—
A LINE OF RAILROAD OWNED BY JOSEPH C. HORNER**

**VERIFIED NOTICE OF EXEMPTION
OF STANDARD TERMINAL RAILROAD OF NEW JERSEY, INC.
PURSUANT TO 49 C.F.R. § 1150.31**

Standard Terminal Railroad of New Jersey, Inc. ("STRR"), a non railroad, hereby files this Verified Notice of Exemption, pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1150.31, in order that STRR may acquire a line of railroad from Joseph C. Horner, as more fully described below.

a. Applicant's full name and address:

The full name and address of the applicant, a non-carrier, is as follows:

Standard Terminal Railroad of New Jersey, Inc.
225 Colonial Blvd.
Washington Township, NJ 04676

b. Name, address, and telephone number of Applicant's representative:

Applicant's representative, to whom all communications regarding the transaction may be directed, is:

Jeffrey O. Moreno, Esq.
Thompson Hine LLP
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036-1600
(202) 331-8800

c. Agreement:

Final agreement was reached via Quitclaim Deeds made on July 26 and 27, 2002.

d. Operator of the property:

STRR will provide common carrier rail service on the lines involved in this transaction through a subcontractor who will conduct the day-to-day operations on the line.

e. Brief summary of the proposed transaction.

STRR has purchased the right to operate over approximately 1.25 miles of rail line owned by Joseph C. Horner, pursuant to a perpetual, irrevocable, exclusive and assignable easement. STRR also has acquired title to a railroad bridge spanning the Raritan River that connects the properties on which the easement lies.¹ The subject rail line is located in the Township of Bridgewater and the Borough of Manville, Somerset County, NJ, that is part of a rail line known as the Reading Company New York Branch (also known as the Raritan Valley Connecting Track), and identified as Line Code 0326, between milepost 57.25 at Manville Yard and milepost 58.50 at a junction with New Jersey Transit's commuter line.

1. The name and address of the entity transferring the property:

The name and address of the transferring entity is Joseph C. Horner, 15 Polhemus Lane, Bridgewater, New Jersey 08807.

2. Proposed time schedule for consummation of the transaction:

Although Mr. Horner and STRR effectuated the transfer of property via a Quitclaim Deeds made on July 26 and 27, 2002, the ownership of the property is the subject of dispute before the United States Bankruptcy Court for the District of New Jersey, in Docket No.

¹ The line was conveyed to Mr. Horner by deed from Consolidated Rail Corporation on August 24, 1995, and was comprised of two pieces or parcels of land together with track, track materials, two switches, and the railroad bridge.

00-60057 (WHG), In the Matter of Bridgewater Resources, Inc. The Board previously acknowledged this fact in STB Finance Docket No. 34267, Morristown & Erie Ry., Inc.—Operation Exemption—Somerset Terminal R.R. Corp., (served Nov. 27, 2002), in which the Board granted an exemption to the Morristown & Erie to operate the same rail property that is the subject of this Notice of Exemption by STRR. In that decision, the Board declared that “[t]he exemption permits M&E and STRC to consummate the described transaction if and when they, in fact, have the legal capacity to do so. The exemption, therefore, will have no immediate or demonstrated adverse effect on [STRR].” STRR intends to consummate this transaction by the later of seven days after the date of this Notice of Exemption or upon affirmation of its ownership rights by the bankruptcy court.

3. Milepost designations of the subject property:

The subject rail line is located in the Township of Bridgewater and the Borough of Manville, Somerset County, NJ, that is part of a rail line known as the Reading Company New York Branch (also known as the Raritan Valley Connecting Track), and identified as Line Code 0326, between milepost 57.25 at Manville Yard and milepost 58.50 at a junction with New Jersey Transit’s commuter line.

4. The total route miles being acquired:

1.25 total route miles are being acquired.

f. Map:

A map of the subject line is attached as Exhibit A to this Notice.

g. Projected revenue certification:

STRR hereby certifies that its projected revenues as a result of the transaction will not exceed the amounts that would qualify it as a Class III railroad.

h. Environmental and Historical certification:

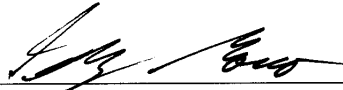
Pursuant to 49 C.F.R. § 1105.6(c)(2)(i), the proposed transaction is exempt from environmental review because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

Furthermore, this transaction is exempt from historic review under 49 C.F.R. § 1105.8(b)(1). Under this section, a sale, lease or transfer of a rail line is exempt if rail operations will continue over the line. Further Board approval is required for any of the parties to this transaction to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction that are 50 years old or older.

i. Caption Summary

A caption summary in the prescribed form is attached as Exhibit B to this Notice.

Respectfully submitted,



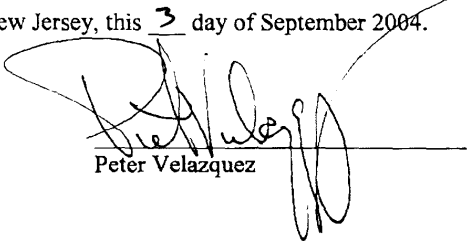
Jeffrey O. Moreno
Michael H. Higgins
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, D.C. 20036-1600
(202) 331-8800

*Attorneys for Standard Terminal Railroad of
New Jersey, Inc.*

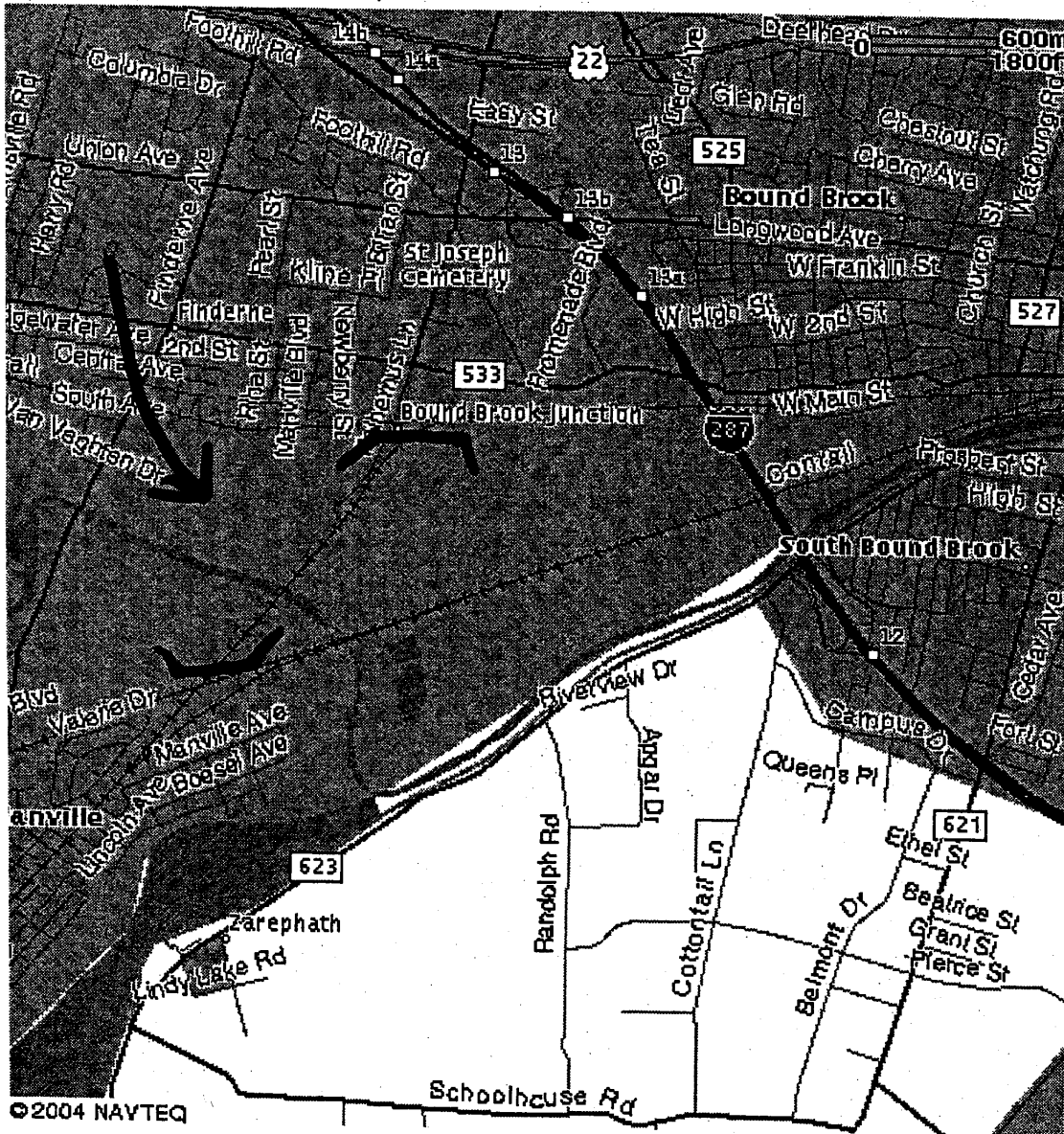
VERIFICATION

I, Peter Velazquez, a Partner in the Standard Terminal Railroad Company., declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exemption and that its statements are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of the Standard Terminal Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. § 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. § 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at _____ County, New Jersey, this 3 day of September 2004.



Peter Velazquez



CAPTION SUMMARY

FINANCE DOCKET NO. 34551

STANDARD TERMINAL RAILROAD OF NEW JERSEY, INC.
—ACQUISITION EXEMPTION—
A LINE OF RAILROAD OWNED BY JOSEPH C. HORNER

Standard Terminal Railroad of New Jersey, Inc. ("STRR"), a non-carrier, has filed a Verified Notice of Exemption to acquire a 1.25 mile railroad line from Joseph C. Horner in the Township of Bridgewater and the Borough of Manville, Somerset County, NJ that is part of a rail line known as the Reading Company New York Branch. The milepost designations for the line are MP 57.25 at Manville Yard and MP 58.50 at a junction with New Jersey Transit's commuter line, identified as Line Code 0326. Comments must be filed with the Board and served on Jeffrey O. Moreno, Esq., Thompson Hine LLP, 1920 N Street, N.W., Suite 800, Washington, D.C. 20036 (tel. 202-331-8800). The Verified Notice of Exemption is filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1150.31. If the Notice contains false or misleading information, then the exemption is void *ab initio*. Petitions to revoke the exemption, pursuant to 49 U.S.C. § 10502(d), may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.